

1 Douglas L. Johnson (SBN 209216)
2 Daniel B. Lifschitz (SBN 285068)
3 Aleeza L. Marashlian (SBN 332751)
4 **JOHNSON & JOHNSON LLP**
5 439 North Canon Drive, Suite 200
6 Beverly Hills, California 90210
7 Telephone: (310) 975-1080
8 Facsimile: (310) 975-1095
9 Email: djohnson@jjllplaw.com
10 dlifschitz@jjllplaw.com
11 amarashlian@jjllplaw.com

12 *Attorneys for Defendant*
13 KEVIN FRAZIER PRODUCTIONS, INC.

14 **UNITED STATES DISTRICT COURT**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 Chosen Figure LLC,

17 Plaintiff,

18 vs.

19 Kevin Frazier Productions, Inc.,

20 Defendant.

Case No. 2:22-cv-06518 MEMF (MAAx)

**NOTICE OF MOTION AND MOTION
TO DISMISS COMPLAINT**

[Memorandum of Points and Authorities in
Support Thereof, Request for Judicial
Notice, and Declaration of Aleeza L.
Marashlian with Exhibits 1-2 filed
concurrently]

Date: January 19, 2023

Time: 10:00 a.m.

Courtroom: 8B

Judge: Hon. Maame Ewusi-Mensah
Frimpong

**TO THE CLERK OF THE ABOVE-ENTITLED COURT, ALL PARTIES,
AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that on January 19, 2023 at 10:00 a.m., or as soon thereafter as the matter may be heard, in Courtroom 8B of the above-entitled Court, located at the United States Courthouse, 350 West First Street, Los Angeles, CA 90012, defendant Kevin Frazier Productions, Inc. (“Defendant”) will, and hereby does, move the Court for an order dismissing the sole cause of action alleged in Plaintiff Chosen Figure LLC’s (“Plaintiff”) complaint pursuant to Federal Rules of Civil Procedure, Rule 12(b)(6) for failure to state a claim upon which relief can be granted.

Defendant’s grounds for making the instant motion are that Defendant’s use of the photograph upon which Plaintiff has brought suit constitutes fair use under section 107 of Title 17 of the United States Code.

This motion is made following the conference of counsel pursuant to Local Rule 7-3 which took place on Wednesday, November 16, 2022.

This Motion is based on this Notice of Motion and Motion, the concurrently filed Memorandum of Points and Authorities, the concurrently-filed Request for Judicial Notice and Declaration of Aleeza L. Marashlian with Exhibits 1-2, and any further evidence or argument that may be received by the Court at or before the hearing on this Motion.

Dated: November 28, 2022

JOHNSON & JOHNSON LLP

By /s/ Douglas L. Johnson

Douglas L. Johnson

Daniel B. Lifschitz

Aleeza L. Marashlian

Attorneys for Defendant